

REMARKS/ARGUMENTS

First, Applicant gratefully acknowledges the indication of allowability of the subject matter of claims 24, 23 and 25 and the allowance of claims 89-98 and 102.

Claim 24 has been re-written as an independent claim and it is respectfully submitted that claim 24, and claims 23 and 25 that are dependent thereon, are now in condition for allowance.

Examiner had previously indicated in the Office Action dated November 26, 2008 that he previously considered independent claim 84, and claims 30, 70, 80, 81, 85, 108 and 109 that are dependent on claim 84, to be directed to allowable subject matter.

In the present Office Action the only objection specified to claim 84 is under 35 USC 112. Accordingly, claim 84 has now been amended to address the Examiner's objection and it is therefore believed that claim 84 is also in condition for allowance. As claim 30 is dependent upon claim 84, it is submitted that claim 30 should not be withdrawn. It is further submitted that in view of the amendments to claim 84, dependent claims 30, 70, 80, 81, 85, 108 and 109 are also now in condition for allowance.

Similarly, the Examiner had previously indicated in the Office Action dated November 26, 2008 that he previously considered independent claim 86, and claims 87 and 88 that are dependent on claim 86, to be directed to allowable subject matter. In the present Office Action the only objection specified to claim 86 is under 35 USC 112. Accordingly, claim 86 has now been amended to address the Examiner's objection and it is therefore believed that claim 86 and claims 87 and 88 that are dependent thereon also in condition for allowance.

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Examiner indicated that claims 99-103 are withdrawn as being directed to a non-elected species (Figure 13A or Figure 14A). Applicant disputes this assessment and submits that these claims clearly read upon the elected species of Figure 12A. Applicant therefore respectfully requests that the Examiner withdraw the designation of these claims as being withdrawn and consider the patentability of the same. Applicant also notes that Examiner appears to have indicated elsewhere that claim 102 is allowed.

Independent claims 110 and 132 have been canceled.

Independent claims 111 and 130 have been amended. New independent claim 133 is submitted for consideration by the Examiner. It is respectfully submitted that each of these independent claims is patentable over the prior art cited by the Examiner. Applicant notes the following:

- (1) Amended claim 111 recites “...*wherein said material of said first panel member is compressed by interaction of said spacer and said first connector, to provide assistance in establishing a substantially rigid and geometrically stable panel unit.*”.
- (2) Amended claim 130 recites “...*wherein said second connector, said transverse tie member and said second rod member are configured such that said second panel member is held in compression between and by the interaction of said second connector and said second rod member thereby holding said second panel in a rigid or semi-rigid position relative to said spacer.*”.
- (3) New claim 133 recites “...*wherein said first and second panel members are held in compression by the interaction of said spacer and each of said*

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first and second connectors respectively to assisting in providing a substantially rigid panel unit.”.

Applicant has reviewed the Examiner’s rejection of many of the prior set of claims based on the combination of several different references. The Applicant does however, note that at page 14 of the current Office Action the Examiner states “*The claims reciting language that positively sets forth “compression” do not appear to have been rejected over the prior art of record.*”

It is submitted therefore that each of claims 111, 130 and 133 in their current form are patentable over the prior art of record. It is believed that none of the references cited by the Examiner in the current Office Action teach or suggest the claim limitations set out above in these claims.

It is acknowledged that for example at page 11, the Examiner states in relation to the Cretti reference that “*...said spacer assisting in holding said first and second panel members in compression....*” and “*....said first end being adapted for securing said transverse tie member to a first connector mounted through said aperture of said first panel member in such a manner that said first panel is compressed...*”.

Applicant has reviewed Cretti and recognizes that at column 7, lines 21-25 it is stated:

“In order to fasten stably the inserts 2,3 to the slabs 5,6 of foamed plastic in which they are flush-insertable, the inserts are advantageously provided with threads 14, 15 integral with their bodies 8,9 and which aid at the same time their insertion by screwing into the foamed plastic slab.”

At column 8, lines 15-20 of Cretti it is stated:

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“In both cases, the lost formwork 7 can be assembled by forming in advance a cage comprising rods 19, 20 and the metal tie rods 4 mutually welded together and then associating to the cage the foamed plastic slabs 5, 6 by screwing the inserts 2 and 3 onto the threaded ends 4a, 4b of the tie rods 4.”

However, Applicant can locate no teaching or suggestion in Cretti that the foamed plastic slab is placed into compression by the interaction of the insert with other components such as metal rods 19 to assist in establishing a substantially rigid and geometrically stable panel unit. It is therefore respectfully submitted that claims 111, 130 and 133 are directed to allowable subject matter and should be allowed.

In fact, Applicant submits that in the construction of Cretti a compression of the panel by the inserts 2, 3 would not be feasible. It is noted that inserts 2, 3 have exterior threading that is used to hold the inserts in the plastic slab. If the inserts started to put the slab into compression, the result would be that the exterior threads would destroy the plastic material. Thus, Cretti actually teaches away from the inserts interacting with any other members to compress the panel to create a rigid or semi-rigid panel unit.

Claims 106, 110, 112, 113, 115, 121 and 132 have all been canceled, thus rendering the objections to those claims under 35 USC 112 traversed or moot. Claim 111 has been amended in a manner that is believed overcomes the objection to that claim as being indefinite based on 35 USC 112.

Reference to “compression member” and “abutment member” have been deleted in the claims, thus rendering the objection to the specification based on the absence of those terms moot.

The specification has been amended at para [0082] and Figure 4f amended, to provide that “rod member” is now identified by reference numeral 249 instead of 248.

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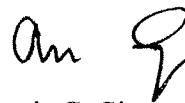
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The specification has been amended at para [00109] to replace to the occurrence of "panel plates" with "bracer members" for consistency with the specification.

Finally, a new Figure 14a is submitted to identify feature 836b.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance of this application is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Am G'.

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